

COMMITTEE AMENDMENT

[STAFF WORKING DRAFT]

May 15, 2002

Purpose: To prohibit the transmission of unsolicited commercial electronic mail from illegally harvested electronic mail addresses.

**IN THE COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION—107TH Cong., 2D Sess.**

S. 630, 107TH Congress, 2D Session

MAY 16, 2002

INTENDED to be proposed by Mrs. BOXER to the amendment
proposed by Mr. BURNS

Viz:

1 On page 15, between lines 13 and 14, insert the fol-
2 lowing:

3 (b) PROHIBITION OF TRANSMISSION OF UNSO-
4 LICITED COMMERCIAL ELECTRONIC MAIL FROM IL-
5 LEGALLY HARVESTED ELECTRONIC MAIL ADDRESS-
6 ES.—

7 (1) IN GENERAL.—It is unlawful for any person
8 to initiate the transmission, to a protected computer,
9 of an unsolicited commercial electronic mail message
10 that is unlawful under subsection (a), or to assist in
11 the origination of such a message through the provi-
12 sion or selection of addresses to which the message

1 will be sent, if such person knows that, or acts with
2 reckless disregard as to whether—

3 (A) the electronic mail address of the re-
4 cipient was obtained, using an automated
5 means, from an Internet website or proprietary
6 online service operated by another person; or

7 (B) the website or proprietary online serv-
8 ice from which the address was obtained in-
9 cluded, at the time the address was obtained, a
10 notice stating that the operator of such a
11 website or proprietary online service will not
12 give, sell, or otherwise transfer addresses main-
13 tained by such site or service to any other party
14 for the purpose of initiating, or enabling others
15 to initiate, unsolicited electronic mail messages.

16 (2) DISCLAIMER.—Nothing in this subsection
17 creates an ownership or proprietary interest in such
18 email addresses.

19 On page 15, line 14, strike “(b)” and insert “(c)”.

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